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CRN

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/661,163 09/13/00 WEISS

S 30083-PA

QM12/0523

EXAMINER

BERNHARD KRETN
77 CADILLAC DRIVE SUITE 245
SACRAMENTO CA 95825

NGUYEN, K

| ART UNIT | PAPER NUMBER |
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3713

DATE MAILED:

05/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 09/661,163

Applicant(s)

Weiss

Examiner

Kim Nguyen

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-19 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) All b) Some* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. _____.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) Notice of References Cited (PTO-892)
- 16) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4
- 18) Interview Summary (PTO-413) Paper No(s). _____
- 19) Notice of Informal Patent Application (PTO-152)
- 20) Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falciglia (US. Patent No. 5,935,002) in view of Tsumura (US. Patent No. 5,547,202).

a. As per claim 1-4, Falciglia discloses a method for gaming. The method comprises the steps of: making a wager (col. 4, lines 57-58); evoking chance means to produce outcomes and displaying the outcomes (col. 4, lines 52-55 and col. 5, lines 25-40); comparing each outcome to an ultimate winning outcome (col. 2, lines 22-27); triggering a subsequent event (col. 6, lines 3-22); determining whether the plurality of outcomes match an intermediate winning outcome and awarding the intermediate winning (col. 6, lines 1-6); and continuing to evoke chance means until the ultimate winning outcome is produced or the outcomes are exhausted (col. 5, lines 21-24 and col. 6, lines 7-10).

Falciglia does not disclose saving the current set of outcomes on encoded movable media. However, Tsumura discloses saving information of a suspended game (col. 11, lines 19-42). It would have been obvious to a person of ordinary skill in the art at the time the invention was

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made to include the saving method of Tsumura to the game method of Falciglia in order to allow a user to resume playing a suspended game as motivated by Tsumura in col. 11, lines 29-32.

- b. As per claim 5-15, awarding complimentary items or allowing the winning player to engage in a subsequent gaming event would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the well known awarding method to the gaming method of Falciglia depending on the game designer's preference on distributing prizes.
- c. As per claim 16-17, Falciglia discloses a game which involves a single player (Fig. 1) or a plurality of players (Fig. 4 and col. 1, lines 49-52).
- d. As per claim 18, displaying the image of an object would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the Rx C matrix of Falciglia in three dimensional in order to provide the player illusion of depth.
- e. As per claim 19, refer to discussion in claim 1 above.

Conclusion

- 3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
 - i. Demar et al (US. 6,203,429) discloses gaming machine with bonus mode.

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- ii. Weingardt (US. 5,482,289) discloses method playing a bingo game with progressive jackpot.
 - iii. Walker et al (US. 6,203,430) discloses electronic amusement device and method for enhanced slot machine play.
 - iv. Kita (US. 5,114,157) discloses game machine having plural display panel units and plural memory cartridges.
 - v. Raven et al (US. 5,429,361) discloses gaming machine information communication and display system.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Tuesday-Friday from 8:00AM to 4:30PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace, can be reached on (703) 308-4119. The fax phone number for this Group is (703) 308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Ktn
5/18/2001



JESSICA J. HARRISON
PRIMARY EXAMINER